

SENATE BILL NO. 399

INTRODUCED BY BOHLINGER, BOOKOUT-REINICKE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A MUNICIPALITY OR COUNTY TO REQUEST THAT
5 THE UNITED STATES DEPARTMENT OF TRANSPORTATION ESTABLISH RAILROAD CROSSING QUIET
6 ZONES THROUGH WHICH LOCOMOTIVE HORNS AND BELLS ARE NOT ROUTINELY SOUNDED;
7 REQUIRING THE MUNICIPALITY OR COUNTY TO DESCRIBE HOW REQUIRED SUPPLEMENTAL SAFETY
8 MEASURES WILL BE IMPLEMENTED AT THOSE CROSSINGS; PROVIDING THAT A QUIET ZONE MAY NOT
9 BE ESTABLISHED UNLESS CERTAIN PROCEDURES ARE FOLLOWED; ALLOWING A RAILROAD
10 COMPANY TO PERMIT ITS TRAINS TO PASS THROUGH DESIGNATED QUIET ZONES WITHOUT
11 SOUNDING THEIR HORNS AND BELLS; EXEMPTING A RAILROAD COMPANY AND EMPLOYEES FROM
12 LIABILITY; AMENDING SECTIONS 61-8-347, 69-14-562, AND 69-14-610, MCA; AND PROVIDING AN
13 IMMEDIATE EFFECTIVE DATE."

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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17 **NEW SECTION. Section 1. Establishment of railroad quiet zones.** (1) For the purposes of this
18 section, "quiet zone" means a segment of a railroad within which is situated one or a number of consecutive
19 railroad crossings at which locomotive horns and bells are not routinely sounded.

20 (2) A governing body of a municipality or a board of county commissioners may petition to the secretary
21 of the United States department of transportation to establish quiet zones at railroad crossings that meet the
22 requirements established in the rules adopted to implement 49 U.S.C. 20153(c). IN DEVELOPING THE PETITION,
23 THE GOVERNING BODY OF THE MUNICIPALITY OR THE BOARD OF COUNTY COMMISSIONERS SHALL CONSULT WITH THE
24 RAILROAD CORPORATIONS THAT OPERATE THE RAIL LINES THROUGH CROSSINGS THAT ARE WITHIN THE PROPOSED QUIET
25 ZONE. The petition must include how the municipality or county intends to implement the supplemental safety
26 measures that are required by the United States department of transportation at railroad crossings within quiet
27 zones.

28 (3) A quiet zone may not be established at a railroad crossing unless the governing body of a
29 municipality or a board of county commissioners follows the procedure provided in subsection (2) and receives
30 the approval of the secretary of the United States department of transportation or the secretary's designee.

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2 **Section 2.** Section 61-8-347, MCA, is amended to read:

3 **"61-8-347. Obedience to signal indicating approach of train.** (1) ~~Whenever any~~ When a person
4 ~~driving~~ operating a vehicle approaches a railroad ~~grade~~ crossing under any of the circumstances stated in this
5 section, the ~~driver~~ operator of ~~such the~~ vehicle shall stop within 50 feet but not less than 15 feet from the nearest
6 rail of ~~such the~~ railroad; and ~~shall may~~ not proceed until ~~he the~~ operator can do so safely. ~~The foregoing~~ These
7 requirements ~~shall~~ apply when:

8 (a) a clearly visible electric or mechanical signal device gives warning of the presence or immediate
9 approach of a railroad train;

10 (b) a crossing gate is lowered or when a ~~human flagman~~ flag person gives or continues to give a signal
11 of the approach or passage of a railroad train;

12 (c) a railroad train approaching within approximately 1,500 feet of the ~~highway~~ crossing emits a signal
13 audible from ~~such distance and such railroad train, by reason of its speed or nearness to such crossing, is an~~
14 ~~immediate hazard; that distance, except at crossings within quiet zones established under [section 1], indicating~~
15 that the train is an immediate hazard because of its speed or nearness to the crossing; or

16 (d) an approaching railroad train is plainly visible and is in hazardous proximity to ~~such the~~ crossing.

17 (2) ~~No person shall drive any~~ A person may not operate a vehicle through, around, or under any
18 crossing gate or barrier at a railroad crossing while ~~such the~~ gate or barrier is closed or is being opened or
19 closed."
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21 **Section 3.** Section 69-14-562, MCA, is amended to read:

22 **"69-14-562. Regulation of safety on railroads.** (1) A railroad corporation within this state is guilty of
23 a misdemeanor and upon conviction is subject to the penalties provided in subsection (2) if the corporation:

24 (a) neglects to provide comfortable and convenient cars or coaches for the transportation of its
25 passengers and their baggage or safe cars for the transportation of express matter and freight;

26 (b) runs a train over an unsafe bridge, trestlework, or aqueduct;

27 (c) fails to have a locomotive in use by it equipped with a properly functioning horn and bell;

28 (d) except as provided in [section 1], permits a locomotive to approach a public highway, public road,
29 or public railroad crossing without causing the locomotive horn and bell to be sounded at ~~a point 1,320 feet~~ the
30 distance from the crossing provided in 61-8-347, the horn and bell to be sounded from the specified point until

1 the crossing is reached. If the owner or permitholder of a private crossing makes a written request to the railroad
 2 corporation to have the locomotive horn and bell sounded at the private crossing, the railroad shall comply with
 3 the request. The owner or permitholder is not subject to any liability as a result of not making a request.

4 (e) willfully fails to make any report required by law.

5 (2) Upon conviction of the offenses provided in subsection (1), a railroad corporation is subject to a fine
 6 of:

7 (a) \$1,000 for the first offense;

8 (b) \$2,000 for the second violation of the same provision; and

9 (c) not less than \$5,000 or more than \$10,000 for subsequent violations of a provision for which it has
 10 twice been found guilty."

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12 **Section 4.** Section 69-14-610, MCA, is amended to read:

13 **"69-14-610. Effect of railroad crossing provisions on liability of railroad.** (1) Nothing contained in
 14 69-14-601 through 69-14-611 ~~shall in any way affect~~ affects the liability of ~~any a~~ railroad company for damage
 15 to persons or property injured at ~~any crossings~~ a railroad crossing.

16 (2) A railroad company or an employee of a railroad company may not be held liable for damages to
 17 persons or property injured at a railroad crossing that is within a quiet zone, as defined in [section 1], if the
 18 damages are alleged to arise from the locomotive's failure to sound its horn or bell at a railroad crossing that is
 19 within a quiet zone as provided in [section 1]."

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21 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
 22 integral part of Title 69, chapter 14, part 6, and the provisions of Title 69, chapter 14, part 6, apply to [section 1].

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24 NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

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